

SENATE BILL REPORT

SB 5758

As Reported by Senate Committee On:
Human Services & Corrections, February 23, 2009

Title: An act relating to notification of the duties and responsibilities of the department of social and health services to dependent children.

Brief Description: Requiring notification of the duties and responsibilities of the department of social and health services to dependent children.

Sponsors: Senators Hargrove, Kauffman, Murray, Regala and Kohl-Welles.

Brief History:

Committee Activity: Human Services & Corrections: 2/10/09, 2/23/09 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5758 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Kauffman and McAuliffe.

Staff: Jennifer Strus (786-7316)

Background: Under current law, other than an attorney appointed to represent the child in a dependency matter, no party or other interested person is required to explain to the dependent child what responsibilities the Department of Social and Health Services (DSHS) has toward the child and the child's family.

Summary of Bill (Recommended Substitute): DSHS must place on its public website a document listing the duties and responsibilities DSHS has to a child subject to a dependency petition. DSHS must include in the document at least the following:

- reasonable efforts toward reunification of the child with the child's family;
- sibling visits;
- parent-child visits, subject to the restrictions in RCW 13.34.136(2)(b)(ii); and
- statutory preference for placement with a relative.

DSHS must prepare the document with the assistance of a community-based organization and must update the document as needed.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Once the dependency is established, the social worker assigned to a child's case must provide the child with a copy of the same document that DSHS must place on its website. The social worker must also explain the contents of the document to the child and direct the child to DSHS's website for further information. The social worker must document that this requirement was met.

At any hearing that occurs after the dependency is established, the court must ensure that a dependent child over the age of 12, who is otherwise present in the courtroom, is aware of and understands the duties and responsibilities DSHS has toward him or her. The court must specifically address the issues required to be addressed in the document DSHS is to prepare. If the dependent child is represented by counsel, the court need not address the duties and responsibilities of DSHS toward the child.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute): Adds a statutory reference regarding the restrictions on sibling visits.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: This is not a bill of rights bill or a bill that establishes new rights for children. This bill would require DSHS to list out what the Legislature has said that DSHS must provide to children and their families in a dependency case. If children in foster care want services they must advocate for themselves and they do not know what DSHS's responsibilities are towards them so they can ask for appropriate services. The main thrust of the bill is to help young people understand what exists now and for them to participate in having those services happen in their own lives. This is a non-cost way to do that.

Persons Testifying: PRO: Jim Theofelis, Melissa Seville, Mockingbird Society.